

**U.S. BANKRUPTCY COURT**  
**Western District of Wisconsin**  
**SECTION 341 MEETING PROCEEDING MEMO AND**  
**STANDING CHAPTER 13 TRUSTEE'S REPORT**

**IN RE:**

Name: Jennifer & Israel R. McKinney

Case # 22-11558

**Debtor Information:**

SS#: XXX-XX-8026

Addr: 429 S 2nd St N #322  
La Crosse, WI 54601

County: LA CROSSE

**Spouse Information:**

SS#: XXX-XX-2558

Addr: W5441 Innsbruck Rd  
West Salem, WI 54669

County: LA CROSSE

Debtor's Attorney: GREG P. PITTMAN

Date Filed: 09/27/2022

341 Meeting Date: 10/26/2022 Adjourned 341 Date: 11/9/2022

Schedules Filed:

Tape #: 12

Plan Filed: 10/21/2022

Amd Plan Filed: 10/21/2022

**Appearances:** Debtor: dl,ss-Need W2/SS for him-Provided 10-28, nn,

Attorney: y

Creditors: n on 10-26; 11-9 Atty Anzivino, IRS & Atty Rodriguez,UST; Anzivino-list Pershing acct amt \$186k how determined? call to finan advisor; How many Pershing accts? 2 she thinks, & also children accts. Prior to last BK did ask(withdraw) for \$? yes, prob 3-4x's.Took \$ out for living.During last 13 bk & just before this one. Re: income, plan proposes step up-how? Thinks will improve & seasonal element. Re budget change? she moved out ~8 mos ago.(Mar 1), \$2350 rent. 14 nights/mo allowed w/ kids at that apt. He has kids rest of time & sep budget. Atty R-bank accts? Sep bus acct w/ Altra CU. What for house? Bank of Hawaii. \$3,800 aprox is mortgage. \$450 is mrtg on his mother

**1. INFORMATION WHICH WOULD MAKE DEBTOR'S STATEMENTS AND SCHEDULES MORE ACCURATE:**

A. New Employment: \_\_\_\_\_

B. New Address: \_\_\_\_\_

C. Other: \_\_\_\_\_

**2. ELIGIBILITY / DEBT ANALYSIS:**

A. Eligible under Section 109(e)? Y

B. Analysis of Scheduled Debt:

Attorney	10,000.00
Unsecured	40,117.03
Priority	500,672.90
Refund	0.00
Secured	840,484.82
Case Costs	0.00
Total Debt	<u>1,391,274.75</u>

C. Does Debtor have Regular Income? Y

D. Prior Bankruptcies: Jennifer McKinney 22-10661 Ch13 filed in Wisconsin Western on 04/27/2022,  
 Dismissed for Other Reason on 09/20/2022  
 Jennifer McKinney and Israel R. McKinney 11-61215 Ch7 filed in Minnesota on  
 12/13/2011

E. DSO's: Y \_\_\_\_\_ N \_\_\_\_\_

F. Tax Returns

Tax Year	Income	Refund Due Trustee	Federal Tax Return		State Tax Return		EIC Amount	Other Amount	Other 1 Amount
			Received On	Refund Amt	Received On	Refund Amt			
2021	714,508.00	-190,352.00		-150,388.00		-39,964.00	0.00	0.00	0.00

G. Self Employment

Is Debtor Self Employed? Y  
 Does Debtor Incur Trade Debt? N  
 Did Debtor Complete Business Trade Questionnaire? Y  
 Will a Monthly Operating Report be Required? Y \_\_\_\_\_ N \_\_\_\_\_

3. MONTHLY BUDGET:				
	Budgeted Income	28837.97	Available for Plan	10062.98
	Budgeted Expenses	18774.99	Plan Payments	16411.09
	Available for Plan	10062.98	Excess	-6348.11

A. Does Budget appear reasonable? Y

-SKEWED AS PLAN PAYMENTS INCREASE AFTER 3 AND 6 MONTHS.  
 -D1 EXPENSES AMAZINGLY GENEROUS, OLDEST DEP IS AGE 17 HOWEVER D2  
 SEPARATE BUDGET INCLUDES \$0 FOOD/TRANSPORATION ETC. SCH J SUGGESTS SALE  
 OF HOME SO HOUSING EXPENSES- WILL CHANGE, ALSO D1 SCH J APPEARS TO  
 INCLUDE THE HOME MTG BUT 10/22 SHE MOVED OUT, D2 BUDGET INCLUDES A LESSER  
 AMOUNT FOR HOUSING THAN THE MTG PYMT OF \$3964/MO ON PLAN. filed for divorce, the  
 mrtg is on her J and rental on his but she is living in rental and paying on both  
 -BUS BUDGET(P.44 OF #34) PROVIDED THO INDICATES GROSS BUS INCOME FOR PAST  
 YEAR \$49,096.40 AND THEN ESTIMATED MO GROSS GOING FORWARD \$45,000. - lower  
 income 45k was avg ytd,

B. Means Test: Is all disposable income applied? (Sec 1325(b)(1)(B)) Y

-60 MO PLAN. NEGATIVE NET MDI ALTHO SCH I SUGGEST A LANNING ADJ FOR FUTURE  
 INCOME INCREASES LIKELY APPROPRIATE- used avg 60k  
 -PAYING TO RETAIN NUMEROUS VEHICLES, CAMPER, GOLF CART, \$35,000 JEWELRY  
 ETC - NECESSARY? - golf cart is a loss-stolen, camper they need as he may live in, only have 2  
 of 4 vehicles now, Camper is at a campground, paid site rent for year  
 -NOT CLEAR ALL FINANCIAL ACCOUNTS HAVE BEEN INCLUDED ON SCH B- all listed

C. Will debtor be able to make all payments under the plan and comply with the plan? (Sec 1325(a)(6)) Y

-SCH D&E DELQ TAXES, ARE TAX W/HOLDING AMOUNTS ON BUS BUDGET SUFFICIENT  
 TO AVOID PROBLEM GOING FORWARD? Are they being made?- says paying WH now

4. PLAN:

A. Number of months the Plan is expected to last: 60

Payment Start	Payment End	Payment Amount	Frequency	Source
10/27/2022	1/26/2023	10,000.00	MONTHLY	DEBTOR

Payment Start	Payment End	Payment Amount	Frequency	Source
1/27/2023	4/26/2023	15,000.00	MONTHLY	DEBTOR
4/27/2023	10/26/2027	16,845.66	MONTHLY	DEBTOR

B. Total to be paid into the Plan: 984665.64

C. Approximate percentage to Unsecureds: 0

D. Source of Income: SELF-EMPLOYED

Spouse income: TRADESMEN INTERNATIONAL

E. Wage Order Sent To: DEBTOR

F. Payments received to Date: \$10,000.00

Will debtor commence payments within 30 days after the plan has been filed? Y

G. Has the plan been proposed in good faith and not any means forbidden by law? (Sec 1325(a)(3))Y

If "No", plan cannot be confirmed.

H. Attorney Fee Requested 10000.00 Paid to Date: \_\_\_\_\_

Balance Due Under Plan 10000.00 Approximate months to pay: 4.00

Trustee recommends amount requested? Y

If no, amount the Trustee recommends:

I. Does the Plan Properly Classify Debts? Y

J. Does the plan provide for curing of default or payment in full of Secured Debt? (Sec 1325(a)(5))Y

-UNCLEAR DUE TO ONGOING ARGUMENT AS TO WHAT IS OWED IRS -see IRS claim #5

K. Does the plan provide for full payment of Priority Debt? N

-SEE NOTE ABOVE

L. Was a Liquidation

Analysis Provided By the

Debtor? (Sec 1325(a)(5))

N

Unsecureds Do Better

Under Chapter: 13

Under Chapter 7

Assets: 840484.82

Admin, Security:

Priority (ASP) 1351157.72

Exemptions: 0.00

Available for UnSec: -510672.90

Under Chapter 13

Total Paid To Plan: 984665.64

A.S.P. Debt: 1351157.72

Less Direct: 307000.00 1044157.72

Trustee Fee on Net A.S.P: 54955.67

Amt Avail for Unsec: -114447.75

## 5. CLAIMS AND OBJECTIONS

### Direct Claims

MARINE CREDIT UNION

Claim Ref Number: 8

Reason: home mortgage: W5441 Innsbruck Rd

Objection Filed? No

Scheduled for: 307,000.00

Scheduled as: DIRECT

Filed for: 307,757.74

Filed as: Direct

Filed date: 11/7/2022

**Secured**

INTERNAL REVENUE SERVICE	Scheduled for:	533,484.82	Filed for:	533,484.82
Claim Ref Number: 5	Scheduled as:	Secured	Filed as:	Secured
Reason:			Filed date:	11/21/2022
Objection Filed?	No			

**Priority**

INTERNAL REVENUE SERVICE	Scheduled for:	412,182.90	Filed for:	555,622.65
Claim Ref Number: 6	Scheduled as:	Priority	Filed as:	Priority
Reason: 2018-2021 income			Filed date:	11/21/2022
Objection Filed?	No			

  

WI DEPT OF REVENUE	Scheduled for:	88,490.00	Filed for:	0.00
Claim Ref Number: 9	Scheduled as:	Priority	Filed as:	Not Filed
Reason: 2020-2021 income tax			Filed date:	
Objection Filed?	No			

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US BANKRUPTCY COURT	Scheduled for:	0.00	Filed for:	0.00
Claim Ref Number: 4	Scheduled as:	Case Costs	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed?	No			

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DEBTOR	Scheduled for:		Filed for:	
Claim Ref Number: 2	Scheduled as:	Refund	Filed as:	Refund
Reason:			Filed date:	9/27/2022
Objection Filed?	No			

  

DEBTOR	Scheduled for:	0.00	Filed for:	0.00
Claim Ref Number: 3	Scheduled as:	Refund	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed?	No			

**Attorney**

GREG P. PITTMAN	Scheduled for:	10,000.00	Filed for:	
Claim Ref Number: 1	Scheduled as:	Attorney	Filed as:	Not Filed
Reason:			Filed date:	
Objection Filed?	No			

**6. TRUSTEE RECOMMENDATIONS:**

Does Trustee Recommend Confirmation? N

NOTE - ATTY FEES, BUS CASE WITH TAX ISSUES. A FEE APP REQUIRED DUE TO AMOUNT

- MTD for late payment but is now current and withdrawn

{4K}

Objection items:

- Priority IRS debt not retired by plan end. Claim is \$555,622.65, plan anticipates \$412,182.90 - Notice of  
Mrtg Pmt change makes budget not feasible. (pmt ~\$540 higher)

Trustee Comments:

Date Completed: 11/22/2022

/s/

Mark Harring

Standing Chapter 13 Trustee